

ORIGINAL

CHANDRA MYERS
(ADDRESS AND PHONE NUMBER
CONFIDENTIAL)

CHANDRA MYERS, Pro Se

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
CHANDRA MYERS,

Petitioner,

MOTION TO SEAL CHANDRA MYERS VS.
BIMBO BAKERIES CASE FILE

And

RESPONSE TO ORDER DATED
JANUARY 28, 2011 -- ISSUED BY
JUDGE STEVEN M. GOLD

-against-

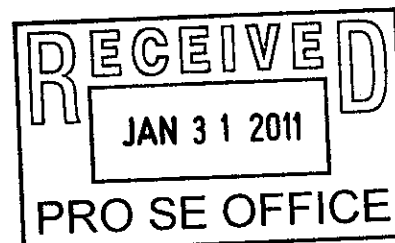
1-STATE FAMILY COURT CASE No. F-
00637/01
2- Fed Ct. 1179

BIMBO BAKERIES USA.

Respondent

-----X

✓ Judge Carol Amon
Chief Support Magistrate Steven M. Gold



CHIEF MAGISTRATE JUDGE STEVEN GOLD

United States District Court

225 Cadman Plaza East

Brooklyn, New York 11201

Chambers 1217

Courtroom 3 D

Telephone: (718) 613-2560

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JUDGE CAROL AMON

United States District Court

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FOR THE SECOND, ELEVENTH, & THIRTEENTH

JUDICIAL DISTRICTS

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UNITED STATES DEPARTMENT OF JUSTICE

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Mr. Smith

AMERICAN JUDICIARY SOCIETY

Administrative Office of the United States

One Columbus Circle, NE

Washington, DC 20544

HONORABLE MINISTER LOUIS FARRAKHAN

THE NATION OF ISLAM

c/o Minister Mohammed

c/o Brother Nasim

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NEW YORK STATE BAR ASSOCIATION

Grievance Committee

1 Elk Street

Albany, New York 12207

AMERICAN BAR ASSOCIATION

Legal Ethics Committee

321 North Clark Street

Chicago, Illinois 60654

THE NATIONAL ACTION NETWORK

House of Justice

Rev. Al Sharpton

106 West 145th Street

Harlem, New York 10009

CNN NEWS

190 Marietta Street, N.W.

Atlanta, Georgia 30303

"Corruption in Federal and State Court"

Attention: Mr. Martin

VALARIE JARRETT

Senior Advisor and Special Assistant to

President Barack Obama

For Intergovernmental Affairs

And

Public Engagement

1600 Pennsylvania Avenue NW

Washington, DC 20500

Chandra Myers come before the improper venue federal court in direct response to the Order dated, January 28, 2011, by Chief Magistrate Judge Steven M. Gold, in his effort to seek to issue a Order seeking to "Seal" certain portions of the January 18, 2011, filing of Chandra Myers while overlooking the filings of the Income Execution Order Violators and while overlooking the entire case file.

The Chandra Myers vs. Bimbo Bakeries case has been held hostage at the improper venue federal court since its illegal and untimely docketing, March 21, 2008 ... with a initial appearance in State Family Court by Anna Park on January 17, 2008 and a Notice of Appearance completed and signed by Anna Park at the Queens County Family Court on January 17, 2008 and the handwritten notes of Queens County Family Court Support Magistrate Michael Fondacaro properly listing Anna Park as the attorney on record for Bimbo Bakeries to answer the subpoena (that BBU never complied with) and as the attorney on record to represent Bimbo Bakeries when Anna Park appeared in his courtroom on January 17, 2008 all occurring way outside of the 30 day window to change any case or remove any case if it was indeed subject to removal or a change of venue, however is/was not applicable for this State Family Court matter.

One case is still being held hostage by the improper federal court, the Chandra Myers vs. Bimbo Bakeries while another Queens County Family Court Income Execution Order case (Chandra Myers vs. Sara Lee Bakeries {Family Court F-00637/01}08-CV-1421) was set free and returned to its proper venue of subject matter jurisdiction, the Queens County Family Court.

The order dated May 11, 2009, by Kiyo A. Matsumato, allowing the improper venue federal court to hold on to this case file, is completely unconstitutional, is based on pure conjure, lacks facts and merit, is full of distortions, highlights Matsumato's abuse of power and lack of knowledge as a newly promoted/assigned Judge, and highlights the many efforts of Matsumato to squeeze a square in to a circle and should be reversed by the improper federal court and while the court is now suddenly in the business of "sealing" things, it should "seal" all documents and orders issued by Matsumato as well since they all also contains sensitive State Family Court information that should not be publicly exposed.

The court can also see as exhibited in Chandra Myers filings dated January 18, 2011, that Judge Kiyo Matsumato's May 11, 2009 Order is indeed completely packed with inaccurate information specific to child support arrears, judgments, and their collection and in her illegal ruling the improper federal court did indeed further "immerse itself", in the domain of New York's Family Court authority.

It is noted that on October 20, 2010 the following occurred:

U.S. District Court

Eastern District of New York

Notice of Electronic Filing

The following transaction was entered on 10/20/2010 at 5:09 PM EDT and filed on 10/20/2010

Case Name: Myers v. Bimbo Bakeries USA, Inc.

Case Number: 1:08-cv-01179-CBA -ALC

Filer:

Document Number: No document attached

Docket Text:

Pursuant to the 10/20/10 recusal e-mail from Chambers: Judge Carol B. Amon added. Judge Kiyo A. Matsumoto no longer assigned to case. (Vaughn, Terry)

It is noted that on October 21, 2010:

U.S. District Court

Eastern District of New York

Notice of Electronic Filing

The following transaction was entered on 10/21/2010 at 5:28 PM EDT and filed on 10/21/2010

Case Name: Myers v. Bimbo Bakeries USA, Inc.

Case Number: 1:08-cv-01179-CBA -SMG

Filer:

Document Number: No document attached

Docket Text:

Pursuant to the 10/21/10 recusal e-mail from chambers: Chief Magistrate Steven M. Gold added. Magistrate Judge Andrew L. Carter, Jr no longer assigned to case. Motion, Doc. No. 113, referred to Judge Steven M. Gold. (Vaughn, Terry)

A year and a half later after blatant civil, human and constitutional rights violations, Kiyo Matsumoto (10/20) and then Andrew Lamar Carter (10/21) after the October 20 early morning complaint filed by Chandra Myers against each of them with copies forwarded to the appropriate entities/agencies/officials, who have been following the case file on the ECF system and directly with Chandra Myers, resulted in a request for "recusal" from the aforementioned Judges.

Why?

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It is also important to note that although requested numerous times the recusal letters have not been appropriately posted to the docket since they are indeed a part of this case file.

Why?

Respectfully, it is disingenuous, less than forthright of the court, shameful, disgusting and a mockery of justice for the improper venue federal court to solely focus in on the filings of Chandra Myers dated January 18, 2011, which seal the fate of Bimbo Bakeries and highlight even more of their guilt and their willful failure to remit State Family Court Support via the New York State Income Execution Order in their possession for approximately 3 years.

It is shameful, disgusting and a mockery of justice for the improper venue federal court, to even seek to review a State Family matter where there clearly is no federal question, no constitutional question, and where there is no subject matter jurisdiction over the case illegally before this court.

The court records of Family Court proceedings are not open to public inspection and are never posted to any public docket due to the sensitive nature of the cases and the absolute need to divulge, review and discuss social security numbers, account information, taxpayer ID numbers, FIDM results, dates of birth, account information, etc. This information is pertinent to State Family Court Support Orders and State Family Court Income Execution Order violation cases and when either Order is issued to a Respondent or Employer/Income Payor.

The New York State Income Execution Order that was Violated repeatedly by the Employer / Income Payor Bimbo Bakeries that is a integral part of this case file list and contains "sensitive information" that should be redacted and has been overlooked for years by the improper federal court.

Truly what point is the improper federal court looking to raise years later and thousands of pages later?

It is way to little and way to late for the improper venue federal court to seek to express any smokescreen concern about the contents of the Chandra Myers vs. Bimbo Bakeries case file when the improper federal court has a established and documented record of civil, human and constitutional rights violations that it has committed time and time against Chandra and Colby Myers, including the public display of the State Family Court case file illegally in this courts possession.

When the United States Eastern District Court sought to find favor with friends and illegally docketed not one but two State Family Court Income Execution Order Violations cases, the improper venue federal court should have proceeded to "SEAL" the case file immediately, since this matter arose out of domestic relations matters that lie solely under the purview of the Family Court.

It is disingenuous, less than forthright of the court, shameful, disgusting and a mockery of justice to seek to "seal" the record now when there are thousands of pages of files and records that are indeed "protected and private" and were so ever since November 7, 2007 when this action was commenced in its proper forum at the Queens County Family Court and were indeed "protected and private" on January 17, 2008 when Anna Parke first appeared in Queens County Family Court on behalf of her client Bimbo Bakeries and were indeed "protected and private" on March 11, 2008 when federal court illegally docketed this untimely removed case from the proper venue of subject matter jurisdiction where it was and would have continued to be "private and protected."

It is shameful, disgusting and a mockery of justice for the court to now purport to express concern about the exposure of family court information, social security numbers, taxpayer identification numbers, birth dates, my minor child's name, financial account numbers, etc., in a case file that from day one was Family Court specific in nature and completely confidential in nature to begin with.

How dare the court express a concern about the aforementioned items when the court has participated, orchestrated, condoned and supported the violations of Chandra and Colby Myers civil, human and constitutional rights for years now.

Why is that Judge Block, support magistrate Judge Matusmato, Judge Vitaliano, support magistrate Judge Reyes, Judge Matsumato, support magistrate Judge Carter, or even Chief Judge Dearie has never issued such a order to seal this complete case file, when clearly the mere fact that this is a State Family Court Enforcement matter warrants such a seal in the first place ?

Is Judge Gold seeking to put an end to these voluminous grave injustices that have been occurring at the improper venue federal court by raising the issues of sealing information when in fact the whole case should be sealed anyway?

Further mockery of justice and trickery is indeed prevalent at the hands of the improper venue federal court.

This improper venue federal court was and is well aware of New York statutes and court rules that exempt certain categories of information from disclosure. You may be able to access some court records online, but matters pertaining to State Family Court is not included and never was included.

There is a strong presumption of open access to court records in New York. See New York Jud. Law 255 to 255-B (select JUD, then Article 8). However, there are numerous exceptions to this presumption and the improper venue federal court has been aware of this all along and has ignored it. Any individual at the improper venue federal court who seeks to purports that they did not know this should hand in their license.

For example, you will not be able to access family court records and certain matrimonial records. A recent report by the Commission Public Access to Court Records contains some more examples.

A court may also seal its records upon finding there is good cause to do so and when the improper venue federal court decided to improperly docket and hold on to a case that they unequivocally had no subject matter jurisdiction over the improper venue federal court should have sealed this State Family Court case file then.

See 22 NYCRR § 216.1 (search for "sealing of court records").

Although this case raises huge public interest and has sent a clear message to employer/income payors of their legal obligation to comply with a State Income Execution Order in their possession, this case file should have been sealed from the inception.

The court can clearly see but has overlooked the fact that there is very strong demonstrative good cause to seal the record on the Chandra Myers vs. Bimbo Bakeries, New York Family Court Income Execution Order Violation case in its entirety.

Strong demonstrative causes that have existed for years and have been purposely overlooked.

The improper venue federal court should in fact seal the entire case file on the case of:

Chandra Myers vs. Bimbo Bakeries - F - 00637- Queens County Family Court

If in fact the court seeks to continue with the documented abuse of power and civil, human and constitutional rights of Chandra and Colby Myers the court should prepare a COMPLETE copy of the entire case file for review and redaction by both parties and then presentation back to the improper venue federal court for filing.

New York State Law dictates that ALL FAMILY COURT CASES ... *matrimonial actions and sealed case files are confidential and not open for public inspection. The confidential status of these records will not be altered under the court system's new open access initiative, and these records will not be available on the Internet. (February 25, 2004, New York State Unified Court System)*

So the improper venue federal court comes now seeking to correct one of its many miscarriages of justice that it has handed down time and time again to Chandra and Colby Myers ... the improper venue federal court should do something correct and lawful for the second documented time and that is SEAL THE ENTIRE CASE FILE ... the only other thing this improper venue court has done was to remand the Sara Lee Bakeries State Family Court Income Execution Order case back to the proper forum/venue at the Queens County Family Court.

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CONCLUSION

If in fact the improper venue federal court seeks to continue with the documented abuse of power, and civil, human and constitutional rights violations of Chandra and Colby Myers, by keeping the confidential family court case file on the public ECF docket, the court should expeditiously prepare a COMPLETE copy of the entire case file for review and redaction by both parties and then presentation back to the improper venue federal court for filing.

However, what must absolutely occur is that the entire Chandra Myers vs. Bimbo Bakeries Queens County Family Court case file should be sealed immediately and only email copies of

seeking to access the Chandra Myers vs. Bimbo Bakeries case file via the ECF system should be prohibited from doing so effective immediately.

Chandra Myers



January 23, 2011

cc: Queens County Family Court, New York State Attorney General, Congressman Gregory Meeks, State Senator Malcolm Smith, Assemblyman William Scarborough, et. al.

TO: Chandra Myers, address confidential.

TO: Ronald Neumann via regular United State Postal Mail or email, Ronald Neumann, Zeichner, Ellman, & Krause LLP, 575 Lexington Avenue, New York, New York 10022

Press Releases [back](#)

COURTS

Communications Office:
David Bookstaver, Director
Mai Yee, Assistant Director
(212) 428-2500



www.nycourts.gov

Date: February 25, 2004

**New York Court Records To Be Posted on the Internet
- Move Follows Recommendations from
Commission on Public Access to Court Records**

NEW YORK - The New York state court system will begin making court records available on the Internet, joining just a handful of states nationwide to provide individual case file information online, along with court decisions and dockets. The program follows recommendations released in a report by the Commission on Public Access to Court Records, a 22-member panel appointed by Chief Judge Judith Kaye to examine open access and privacy issues concerning court records and chaired by nationally renowned First Amendment lawyer Floyd Abrams.

The Commission, whose membership included representatives from the judiciary, bar, media organizations, public interest groups and business community, conducted three public hearings throughout New York State and examined the courts' existing rules and practices concerning paper and electronic records before compiling a report on the subject. Following its multi-pronged inquiry, the Commission recommended that information already deemed public in court files not be subjected to greater restrictions before being placed on the Internet. At the same time, the Commission proposed that court records, whether paper or electronic, not contain complete social security numbers, financial account numbers, names of minor children and birth dates to protect the privacy and security of individuals, with the responsibility for ensuring compliance falling on the filing attorney or self-represented litigant.

"In a society where paper is becoming obsolete, and electronic transmittal of information is often the norm, more and more people each day expect to gather information and conduct their daily business on the Internet," said Chief Judge Kaye. "The courts must adapt to this modern reality and consider new means to provide better public access. Therefore, I am pleased to announce that for the first time in New York's history, the court system will begin to make case file information available on the Internet, while at the same time putting into place safeguards to protect the privacy and safety of litigants. The Commission on Public Access to Court Records, chaired by the distinguished Floyd Abrams, has helped to shape the Judiciary's policies in this area by offering sound, practical recommendations on how to proceed. I sincerely thank all the members of the Commission for their contributions of time and expertise, which have laid the foundation for achieving this milestone today."

Chief Administrative Judge Jonathan Lippman said, "The Commission's recommendations wisely balance the sometimes competing interests of open access and privacy and have proved invaluable in helping the courts devise a plan for placing court records on the Internet. Under our new program, case information already deemed public according to current laws will not be viewed as any less public for the purposes of accessibility on the Internet. We will begin with selected pilot programs in locations across the state, proceeding on a prospective basis with the records of new cases. This ground-breaking program will help the courts keep pace with technology and provide open access to public records while ensuring even greater safeguards for personal privacy."

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New York State law dictates that Family Court cases, matrimonial actions and sealed case files are confidential and not open for public inspection. The confidential status of these records will not be altered under the court system's new open access initiative, and these records will not be available on the Internet.

In New York, case decisions, court calendars and docket information for certain regions of the state are currently accessible online. Under the new program, the availability of this information will be expanded throughout the state, in addition to providing for the first time individual case information on the Internet. While many states provide case decisions and docket information on the Internet, only a few besides New York have established or are establishing statewide programs to post individual case records on the Internet.

Copies of the Commission's report can be obtained from the Internet at www.nycourts.gov/lp/publicaccess or by calling 212-428-2500.

Web page updated: August 16, 2006 - www.NYCOURTS.gov

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CHANDRA MYERS

Plaintiff,

-against-

BIMBO BAKERIES USA, INC.

Defendant.

ORDER

08-CV-1179 (CBA)

GOLD, STEVEN M., U.S.M.J.:

On January 18, 2011, plaintiff, proceeding *pro se*, filed her opposition to defendant's motion for summary judgment. Docket Entry 137. The exhibits to plaintiff's submission, however, include sensitive personal information. *Id.* See also FED. R. CIV. P. 5.2(a) (requiring redaction of certain information for privacy protection). Accordingly, I am placing plaintiff's exhibits under seal. Her Local Rule 56.1 Statement and her response to the Neumann Declaration shall remain on the public docket. If plaintiff wishes to have her exhibits publicly available, she shall submit a copy of her exhibits that redacts or blacks out social security and taxpayer identification numbers, birth dates, her minor child's name (to be substituted with her initials), and any financial account numbers. See FED. R. CIV. P. 5.2(a). A copy of this Order and of Federal Rule of Civil Procedure 5.2 is being mailed to plaintiff today at the address provided on the docket sheet.

SO ORDERED.

/s/

Steven M. Gold
United States Magistrate Judge
Brooklyn, New York
January 28, 2011

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Subj: **Activity in Case 1:08-cv-01179-CBA -SMG Myers v. Bimbo Bakeries USA, Inc. Order**
Date: 1/28/2011 12:56:07 P.M. Eastern Standard Time
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To: nobody@nyed.uscourts.gov

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U.S. District Court

Eastern District of New York

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The following transaction was entered on 1/28/2011 at 12:55 PM EST and filed on 1/28/2011

Case Name: Myers v. Bimbo Bakeries USA, Inc.

Case Number: 1:08-cv-01179-CBA -SMG

Filer:

Document Number: 140

Docket Text:

ORDER: For the reasons stated in the attached Order, I am placing plaintiff's exhibits, included in Docket Entry 137, under seal. Her Local Rule 56.1 Statement and her response to the Neumann Declaration, also included in Docket Entry 137, shall remain on the public docket. So Ordered by Chief Magistrate Judge Steven M. Gold on 1/28/2011. (O'Connor, Erin)

1:08-cv-01179-CBA -SMG Notice has been electronically mailed to:

Ronald M. Neumann rneumann@zeklaw.com

Chandra Myers RXLADY4YOU@aol.com

1:08-cv-01179-CBA -SMG Notice will not be electronically mailed to:

Stuart A. Krause
Zeichner, Ellman & Krause
575 Lexington Avenue
19th Floor
New York, NY 10017

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP NYEDStamp_ID=875559751 [Date=1/28/2011] [FileNumber=5788243-0]
[5b4ec885754ea53316d218c5a77604fdb0ea2c541146b0d463ecc96e27a463716814
ebe2e8ca7ccd56b5775ad6d8f83983cbe7bbaa5df77d74cd794fccc66ad]]

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Friday, January 28, 2011 AOL: RxLady4You